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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,289

09/11/2003

Brent Russell Phillips

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EXAMINER

MIRZADEGAN, SAEED S

ART UNIT

PAPER NUMBER

2144

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/660,289	Applicant(s) PHILLIPS, BRENT RUSSELL	
	Examiner SAEED S. MIRZADEGAN	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/04/2008 has been entered.

Response to Amendment

2. This Action is in regards to the Response received on 02/04/2008. Applicant's Amendments with respect to claims 1-22 have been fully considered but not deemed fully persuasive in view of the following ground(s) of rejection.

Information Disclosure Statement

3. The Objection to the IDS dated 04/12/2004 is withdrawn based on Applicant's admission that no new IDS had been sent and that the references not considered by the Examiner in the Applicant's originally submitted IDS (04/12/2004) were not material to the patentability of the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-6, 9-15, 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGann et al. (McGann) US patent No. 6920476, in view of Lambert et al. (Lambert) US PG PUB No. 2003/0033349.

5. Regarding **Claims 1 & 9 & 17**, McGann teaches copying the message (Fig. 2, Message 26) to a working queue (Fig. 2, Message collector 28) the working queue being persisted by a queue manager (Fig. 2, Local queue manager 30), to persist the message (Col.3, Line 2, preferably, it is persisted to a local file system 32 (Fig. 2), where it is stored until the message is delivered), the message being on both the inbound queue and the working queue concurrently (Col 2, lines 44-45, this happens

very quickly thus the message is on both queues); removing the message from the inbound queue after copying the message to the working queue (Col 2, lines 44-47, once the messaging collector 28 has passed the message off to the local queue manager 30, sending process has completed sending message 26 and may return to other functions indicating that the message is removed from the inbound queue after copying the message to the working queue); processing the message to generate a reply (Col.3, Line 31, Message Writer 36 (Fig.2) is a module that receives messages and routes them to a specific associated process) prior to removing the message from the working queue (Col.3, line 3, Until removed by the receiver, the message remains on the local file system so that it can be retrieved and resent in case of a hardware or software failure somewhere along the line) and storing the reply in an outbound queue after generating the reply (see e.g. col. 3, lines 36-38, background thread queue). However McGann does not explicitly teach browsing the inbound queue to identify the message after storing the message in the inbound queue.

6. It is well known in the art that a message can not be stored in a queue before it is received, thus it is understood that storing the message in an inbound queue after receiving the message is inherent. It is also well known in the art that in order to identify a message, it has to be browsed. Further more Lambert, which is in the same field of endeavor, also teaches (Page 8, [0094] Line 1, that queue managers provide applications with Get, Put, Browse, Wait, Listen and Delete operations).

7. McGann discloses the invention substantially as claimed except for browsing the inbound queue to identify the message after storing the message in the inbound queue. It would have been obvious to one having ordinary skill in the networking art at the time the applicant's invention was made to browse the queue to identify the message after storing the message in the inbound queue as taught by Lambert, since what is lacking in McGann, is well known in the art. One of the functions of the queue manager is to browse the queue. In order to process a message, it first has to be browsed.

8. One of ordinary skills in the networking art at the time the applicant's invention was made would benefit from combining McGann and Lambert to achieve processing of the message.

9. Regarding **Claims 2 & 10 & 18**, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses, removing the message from the working queue after storing the reply in the outbound queue. (Col.3, Line 43, once the message writer 36 has delivered the message, it removes the message form the local queue, where it had been placed by the local queue manager 30).

10. Regarding **Claims 3 & 11 & 15**, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses restoring the message in the working queue after a system failure. (Col.3, Line 48, Thus, in the event of a failure, the

message is saved in a reliable location. Once the failure has been corrected, the message can be resent and receipt insured by plug in 38, 40, the intended recipient).

11. Regarding **Claims 4 & 12**, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses determining that the message is persisted prior to removing the message from the inbound queue. (Col.3, Line 45, until message writer 36 has delivered the message, it remains on the persistent storage device, from where it can be accessed later if need be).

12. Regarding **Claims 5 & 13**, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses message as part of a wave of messages in a chronologically adjacent order to facilitate generating the reply. However McGann does not explicitly disclose browsing comprises searching the working queue for the message, wherein the message is waiting to be processed.

13. In the same field of endeavor, Lambert teaches (Page 8, [0094] Line 1) that queue managers provide applications with Get, Put, Browse, Wait, Listen and Delete operations.

14. One of ordinary skills in the networking art at the time the applicant's invention was made would benefit from combining McGann and Lambert to achieve processing of the message.

15. Regarding **Claims 6 & 14**, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses that browsing comprises locking the message until the message is copied to the working queue. (Page 8, [0095] Line 5, Browsing under lock is also supported which has the additional feature of locking the matching messages on the queue).

16. Regarding **Claims 20**, McGann discloses the invention substantially as claimed. However McGann does not explicitly teach browsing comprises selecting a set of messages, the message being part of the set.

17. In the same field of invention, Lambert teaches that browsing comprises selecting a set of messages, the message being part of the set (Page 8, [0095] Line 3) Queues may also be browsed for messages under the control of a filter and also alternatively applications can listen for message events, again optionally with a filter (Page 8, [0095] Line 13).

18. The same motivation utilized in the combination of claim 1, equally applies as well to claim 20.

Claim Rejections - 35 USC § 103

19. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over McGann in view of Lambert as applied to claim 1 above and in further view of Nakada (Nakada) US PG PUB No. 2001/0013051.

20. Regarding **Claim 7**, McGann-Lambert disclose the invention substantially as claimed. However McGann-Lambert do not explicitly disclose processing comprises assigning the message to a thread, the thread being available to process the message.

21. In the same field of endeavor, Nakada teaches, generating a new conversation thread when it is determined that the corresponding conversation thread does not exist in the message processor (Page 2, [0030] Line 6).

22. It is well known in the art that a process cannot occur unless a thread is assigned to it; hence it would have been obvious to one having ordinary skill in the networking art at the time the invention was made to assign the message to a thread, the thread being available as taught by Nakada.

23. One of ordinary skills in art at the time of the applicant's invention would benefit from combining McGann-Lambert with Nakada. Such a modification would allow the process to occur & execute as intended by the message sender.

Claim Rejections - 35 USC § 103

24. **Claims 8 & 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGann in view of Lambert as applied to claim 1 & 9 above and in further view of Mikalsen (Mikalsen) US patent No. 6934948.

25. Regarding **Claim 8 & 16**, McGann-Lambert disclose the invention substantially as claimed. However McGann- Lambert do not explicitly teach that processing comprises transmitting a second message to request data indicated by a content of the message and generating the reply based upon data received in response to the second message.

26. In the same field of endeavor, Mikalsen teaches that processing comprises transmitting a second message to request data (Col.6, Line 23-24, the message representing the request), indicated by a content of the message and generating the reply based upon data received in response to the second message (Col.6, Line 24-30, the two messages are correlated and as a consequence to the request message or some processing, the reply is generated) and that it is known to generate a reply based on the content of the message (Col 6, Line 19-30).

27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to generate a reply message based on the content of the message as taught by Mikalsen. One of ordinary skills in art at the time of the applicant's

invention would benefit from combining McGann and Lambert with Mikalsen by achieving the processing of the message as intended by the sender.

Response to Arguments

28. Applicant's arguments filed on 02/04/2008 have been carefully considered but they are not deemed fully persuasive. Applicant argues that McGann in view of Lambert fails to teach or suggest:

A....storing the message in an inbound queue after receiving the message; browsing the inbound queue to identify the message after storing the message in the inbound queue; copying the message to a working queue, the working queue being persisted by a queue manager, to persist the message, the message being in both the inbound queue and the working queue concurrently; removing the message from the inbound queue after copying the message to the working queue; processing the message to generate a reply prior to removing the message from the working queue; and storing the reply in an outbound queue after generating the reply. As it applies to claims 1 & 17.

B. a dispatcher to browse the inbound queue to identify the message after the message is stored in the inbound queue; copy the message to the working queue to persist the message, the message to be in both the inbound queue and the working queue concurrently; remove the message from the

inbound queue after the message is copied to the working queue and after the message is persisted from the working queue; and assign a thread to process the message to generate the reply in response to the message prior to removing the message from the working queue and to store the reply in the outbound queue after generating the reply. As it applies to claim 9.

29. As to Point A,

It is The Examiners position that there does lay support within McGann-Lambert. McGann teaches copying the message (Fig. 2, Message 26) to a working queue (Fig. 2, Message collector 28) the working queue being persisted by a queue manager (Fig. 2, Local queue manager 30), to persist the message (Col.3, Line 2, preferably, it is persisted to a local file system 32 (Fig. 2), where it is stored until the message is delivered), the message being on both the inbound queue and the working queue concurrently (Col 2, lines 44-45, this happens very quickly thus the message is on both queues); removing the message from the inbound queue after copying the message to the working queue (Col 2, lines 44-47, once the messaging collector 28 has passed the message off to the local queue manager 30, sending process has completed sending message 26 and may return to other functions indicating that the message is removed from the inbound queue after copying the message to the working queue); processing the message to generate a reply (Col.3, Line 31, Message Writer 36 (Fig.2) is a module that receives messages and routes them to a specific associated process) prior to removing the message from the working queue (Col.3, line 3, Until removed by the

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receiver, the message remains on the local file system so that it can be retrieved and resent in case of a hardware or software failure somewhere along the line) and storing the reply in an outbound queue after generating the reply (see e.g. col. 3, lines 36-38, background thread queue). It is well known in the art that a message can not be stored in a queue before it is received, thus it is understood that storing the message in an inbound queue after receiving the message is inherent. It is also well known in the art that in order to identify a message, it has to be browsed. Further more Lambert, which is in the same field of endeavor, also teaches teach browsing the inbound queue to identify the message after storing the message in the inbound queue (Page 8, [0094] Line 1, that queue managers provide applications with Get, Put, Browse, Wait, Listen and Delete operations). Thus the 103 rejection of claims 1, 17 is proper.

30. As to point B,

It is The Examiners position that there does lay support within McGann-Lambert. Claim 9 lists all the same limitations of claim 1 but in apparatus form rather than method form. Thus the same rational as explained above applies equally as well to claim 9 as it did to claim 1. Thus the 103 rejection of claims 9 is proper.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAEED S. MIRZADEGAN whose telephone number is (571)270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S. M./
Examiner, Art Unit 2144

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144